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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Marcos Mendez, III,

10 Petitioner,

11 v.

12 Jason Gunther,

13 Respondent.
14

No. CV-24-03050-PHX-SHD

ORDER

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus filed
16 pursuant to 28 U.S.C. § 2241. The Magistrate Judge to whom this case was referred
17 issued a Report and Recommendation ("R&R") recommending the Petition be denied and
18 dismissed without prejudice. (Doc. 15.) The time for filing objections has run, and
19 neither party filed objections.

20 This Court "may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that
22 the district judge must review the magistrate judge's findings and recommendations *de*
23 *novo if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d
24 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263 F.
25 Supp. 2d 1219, 1226 (D. Ariz. 2003) ("Following *Reyna-Tapia*, this Court concludes that
26 *de novo* review of factual and legal issues is required if objections are made, 'but not
27 otherwise.'"); *see also Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*,
28 589 F.3d 1027, 1032 (9th Cir. 2009) (the district court "must review *de novo* the portions

1 of the [Magistrate Judge’s] recommendations to which the parties object”). District
2 courts are not required to conduct “any review at all . . . of any issue that is not the
3 subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see*
4 *also* 28 U.S.C. § 636(b)(1) (“[T]he court shall make a *de novo* determination of those
5 portions of the [report and recommendation] to which objection is made.”).

6 No objection having been filed,

7 **IT IS ORDERED** that the Report and Recommendation (Doc. 15) is accepted; the
8 Petition is denied and dismissed, without prejudice, and the Clerk of Court shall enter
9 judgment accordingly.¹

10 Dated this 25th day of June, 2025.

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Honorable Sharad H. Desai
United States District Judge

¹ Because the Petition was filed pursuant to § 2241, no certificate of appealability is necessary. *See Forde v. U.S. Parole Comm’n*, 114 F.3d 878, 879 (9th Cir. 1997).